

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MALORY ZAJDEL, and
ADAM ZAJDEL,

Plaintiffs,

Case No.

v.

Hon.

EXEL INC., a Foreign Corp. d/b/a
DHL SUPPLY CHAIN (USA), and
MATTHEW PAUL BOHLAND,

Defendants.

JEFFREY A. DANZIG (P36571)

VEN R. JOHNSON (P39219)

JOHNSON LAW, PLC

Attorneys for Plaintiff

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COMPLAINT AND DEMAND FOR JURY TRIAL

There are no other civil actions between these parties
arising out of the same transactions or occurrences as
alleged in this Complaint.

/s/ Jeffrey A. Danzig

JEFFREY A. DANZIG (P36571)

COUNT I – AUTOMOBILE NEGLIGENCE

NOW COMES the above-named Plaintiff, MALORY ZAJDEL, by and
through her attorneys, Jeffrey A. Danzig, Ven R. Johnson and Johnson Law, PLC
and for her cause of action against the Defendants herein, states as follows:

1. That the Plaintiff herein, Malory Zajdel, is a resident of the City of Center Line, County of Macomb, State of Michigan and was a resident of the City of Center Line at all times pertinent hereto.
2. That the Defendant herein, Exel Inc. d/b/a DHL Supply Chain (USA) [hereinafter referred to as Defendant DHL], is a foreign corporation, qualified and licensed to conduct business in the State of Michigan with its principal place of business located in the City of Westerville, State of Ohio, doing business at all times pertinent hereto in the County of Macomb, State of Michigan.
3. That the Defendant herein, Matthew Paul Bohland, is a resident of the City of Pemberville, State of Ohio, who was at all times pertinent hereto acting as an agent, servant, and/or employee of Defendant DHL.
4. That there is complete diversity of citizenship, pursuant to 28 U.S.C. § 1332(a)(1).
5. That on July 16, 2021 at approximately 7:08 a.m., Defendant Matthew Paul Bohland [hereinafter referred to as Defendant Bohland] was the driver of a 2020 Freightliner tractor/trailer combination, bearing Oklahoma vehicle registration 2282KL, which semi-tractor and trailer combination was owned at all times pertinent hereto by Defendant DHL and that on the date and time referenced above, Defendant Bohland was operating said semi-tractor trailer

combination with the express and/or implied consent of Defendant DHL, while in the course and scope of his agency and/or employment with Defendant DHL and that while exiting a Dodge dealership on the East side of Van Dyke and while intending to turn left onto Van Dyke from the Dodge dealership located at 28400 Van Dyke, in the City of Center Line, County of Macomb, State of Michigan, Defendant Bohland failed to make sure he had clearance and failed to yield to oncoming vehicle traffic, causing your unsuspecting Plaintiff, who was traveling in the northbound curb lane of Van Dyke, to strike the semi-trailer, causing and inflicting upon your Plaintiff serious and numerous personal injuries and damages as hereinafter alleged.

6. That the Defendants herein, each and every one of them, by and through their respective agents, servants, and/or employees, owed duties to your Plaintiff to obey the statutes of the State of Michigan as well as Federal Motor Carrier Safety Regulations, applicable to the ownership and operation of motor vehicles and semi-tractor/trailers; that notwithstanding those duties, the Defendants herein, each and every one of them, were careless, reckless and did breach those duties owed in the following particulars:

- A. In Defendant Bohland negligently operating a semi-tractor/trailer combination upon the highway in a careless, reckless, and wanton manner in total disregard of the rights and safety of others lawfully

upon the highway in violation of MCL 257.626, MCL 257.627 and appropriate amendments thereto;

B. In Defendant Bohland failing to maintain a proper lookout and in otherwise negligently operating a semi-tractor/trailer combination upon the highway so as to cause a collision, injury and harm to your Plaintiff in violation of MCL 257.626, MCL 257.627 and appropriate amendments thereto;

C. In Defendant Bohland negligently failing to maintain proper observations of the conditions of the highway and any other conditions then and there existing;

D. In Defendant Bohland negligently failing to consider spatial management before exiting a private drive while operating a semi-tractor/trailer combination intending to cross all northbound lanes of Van Dyke, given the size and speed of his vehicle;

E. In Defendant Bohland failing to yield the right of way to Plaintiff's vehicle in violation of MCL 257.650;

F. In Defendant Bohland engaging in grossly negligent and reckless driving of a semi-tractor/trailer combination, endangering others upon the highway in violation of MCL 257.626;

- G. In Defendant DHL negligently failing to properly train Defendant Bohland in the proper methods of operating large vehicles with tractor trailer combinations as well as safe driving practices upon highways and busy city roadways;
 - H. In Defendant DHL negligently entrusting large motor vehicles in the form of tractor trailer combinations to Defendant Bohland when he was not qualified, experienced and/or sufficiently trained to operate semi-tractor and trailer combinations safely and without endangering the public;
 - I. In Defendant DHL being vicariously responsible and liable for the negligent acts and/or omissions of Defendant Bohland, as aforementioned;
 - J. In Defendant DHL being vicariously responsible and liable for the subject accident and resulting injuries to your Plaintiff under the Owners Liability Statute of the Michigan Motor Vehicle Code, MCL 257.401.
7. That as a direct and proximate result of Defendants' negligence, each and any one of them as aforementioned, your Plaintiff herein sustained injuries, which injuries constitute a serious impairment of a body function and are of a permanent nature, causing her pain, suffering, disability and mental anguish

and which injuries will in the future cause her pain, suffering, disability and mental anguish, to wit: permanently, for which your Plaintiff herein now claims damages.

8. That as a direct and proximate result of Defendants' negligence, each and any one of them as aforementioned, your Plaintiff herein sustained injuries, which injuries constitute serious permanent disfigurement, causing her pain, suffering, disability and mental anguish and which injuries will in the future cause her pain, suffering, disability and mental anguish, to wit: permanently, for which your Plaintiff herein now claims damages.
9. That as a direct and proximate result of Defendants' negligence, each and any one of them as aforementioned and as a result of the injuries and damages sustained, your Plaintiff herein has suffered a severe loss of mobility and will be unable to engage in those activities which an individual of your Plaintiff's age is accustomed to engage in and your Plaintiff is hereby claiming damages for said deprivation and loss.
10. That as a result of the visible nature of some but not all of your Plaintiff's injuries, your Plaintiff has suffered and will in the future continue to suffer extreme humiliation and embarrassment, for which your Plaintiff herein now claims damages.

11. That your Plaintiff herein, who was gainfully employed, will be compelled to lose time from her employment and will suffer a loss of employment and may suffer loss of future earnings capacity and/or loss of employability, amounting to future wage loss damages, for which your Plaintiff herein now claims damages.

12. That this Court has original jurisdiction pursuant to 28 U.S.C. § 1332, based upon complete diversity of citizenship and that the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

WHEREFORE, your Plaintiff herein, Malory Zajdel, prays for judgment against the Defendants herein in whatever amount the Court or Jury determines to be fair, just, and adequate compensation for those injuries and damages sustained together with interest, court costs, and attorney's fees.

COUNT II – LOSS OF CONSORTIUM

NOW COMES the above-named Plaintiff, Adam Zajdel, by and through his attorneys, Jeffrey A. Danzig, Ven R. Johnson, and Johnson Law, PLC, and for his cause of action against the Defendants herein, states as follows:

13. That your Plaintiff herein, Adam Zajdel, is a resident of the City of Center Line, County of Macomb, State of Michigan and is the lawful husband of Plaintiff Malory Zajdel and hereby incorporates by reference all of the

allegations contained in Count I of this Complaint as if they were specifically repeated herein paragraph by paragraph and word for word.

14. That as a direct and proximate result of the injuries and damages sustained by his lawful wife, your Plaintiff herein has lost the use, services, love, care, affection, society, and consortium of his wife and is hereby claiming damages for said deprivation and loss.

15. That this Court has original jurisdiction pursuant to 28 U.S.C. § 1332, based upon complete diversity of citizenship and that the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

WHEREFORE, your Plaintiff herein, Adam Zajdel, prays for judgment against the Defendants herein in whatever amount the Court or Jury determines to be fair, just, and adequate compensation for those injuries and damages sustained together with interest, court costs, and attorney's fees.

Respectfully submitted,
JOHNSON LAW, PLC
By: /s/ Jeffrey A. Danzig
JEFFREY A. DANZIG (P36571)
VEN R. JOHNSON (P39219)
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Dated: August 31, 2021

DEMAND FOR JURY TRIAL

NOW COME the above-named Plaintiffs, Malory Zajdel and Adam Zajdel, by and through their attorneys, JEFFREY A. DANZIG, VEN R. JOHNSON, and JOHNSON LAW, PLC, and hereby demands a trial by jury.

Respectfully submitted,
JOHNSON LAW, PLC

By: /s/ *Jeffrey A. Danzig*
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Dated: August 31, 2021